

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
                                )  
                                )  
v.                            )  
                                ) Case No. 18-CR-30001-MGM  
DAPHNE MOORE,              )  
                                )  
Defendant.                  )

JOINT MOTION TO STAY CASE PENDING SUPREME COURT APPEAL

The Government, by and through its attorneys, United States Attorney Rachael S. Rollins and Assistant United States Attorneys Catherine G. Curley and Benjamin Tolkoff, and Defendant Daphne Moore, by and through her attorney Linda J. Thompson, Esq., hereby move the Court for a stay of this case pending resolution of Defendant Moore's petition for a writ of certiorari to the Supreme Court of the United States.

As grounds for this motion, the parties state:

1. Defendant Moore's original trial date of June 10, 2019 was continued "without day" pending the Government's interlocutory appeal of this Court's June 4 Memorandum and Order allowing Defendant Moore's motion to suppress evidence obtained from pole camera

surveillance. ECF 416.

2. On June 16, 2020, the First Circuit issued a decision reversing this Court's suppression order. On July 14, 2020 Defendant Moore petitioned for rehearing en banc, which the First Circuit granted on December 9, 2020.

3. On May 27, 2022 the First Circuit again reversed the Court's suppression order. Defendant Moore's motion for rehearing en banc of this decision was denied June 23, 2022.

4. On July 14, 2022 the Court scheduled a November 15, 2022 trial date. On October 18, 2022 the Court rescheduled that date to November 14, 2022.

5. On September 9, 2022 Defendant Moore filed an Application for Extension of Time to File a Petition for a writ of Certiorari, seeking a 60 day extension of the September 21, 2022 date by which she was entitled file a petition for a writ of certiorari to the United States Court of Appeals for the First Circuit. The Chief Justice of the Supreme Court granted this application and extended the time for filing Ms. Moore's certiorari petition to November 20, 2022.

6. Should the Supreme Court affirm this Court's suppression order, a significant amount of the evidence available to the Government at trial

may be suppressed, including the pole camera evidence and any other evidence found to be inadmissible as a fruit of that search.

7. Owing to circumstances beyond Defendant Moore's control, it has become necessary for her current counsel to withdraw and for Ms. Moore to arrange for new trial counsel, who will need a substantial period to prepare for trial. The parties estimate the trial will take at least two weeks.

8. A stay of the trial pending disposition of the proceedings on Defendant Moore's certiorari petition will serve to conserve valuable judicial resources by both clarifying what evidence will be admissible in the trial and allowing Ms. Moore to obtain new trial counsel with sufficient time to prepare for trial.

9. Having consulted regarding the foregoing circumstances, the parties jointly request this stay of the currently scheduled trial as being in the best interests of justice.

Respectfully submitted,

RACHEL S. ROLLINS  
United States Attorney

/s/ Catherine G. Curley  
CATHERINE G. CURLEY  
BENJAMIN TOLKOFF

Assistant United States Attorneys

DAPHNE MOORE  
Defendant

/s/ Linda J. Thompson  
Counsel for Daphne Moore

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Linda J. Thompson  
Linda J. Thompson

October 19, 2022